

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

UNITED STATES OF AMERICA

vs.

Case No.: 3:05-cr-159-TJC-MCR

RONALD ROBERT EVANS, SR.

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**ORDER**

This case is before the Court on Defendant Ronald Robert Evans, Sr.’s “Motion to Modify Supervised Release.” (Doc. 1148). Defendant, who states that he “is currently serving a 65 month [term] of supervised release[],” asks the Court to “terminate his home confinement to just probation because of the effect it is having on his ability to earn a decent living.” Id. Defendant contends that the Court has the power to order “early termination of his home monitoring pursuant to 18 U.S.C. [§] 3583(e)(1).” Id.

Although home confinement may be imposed as a condition of supervised release, that is not the situation here. Defendant is not currently serving a term of supervised release. Instead, according to the Bureau of Prisons (BOP), he is under a term of imprisonment until May 17, 2027. In July 2020, the BOP exercised its authority under the CARES Act to transfer Defendant to home confinement because of the COVID-19 pandemic. (See Doc. 1144 at 1; Doc. 1146 at 1–2). He has remained in home confinement since then under the watch of

Orlando RRM. Defendant apparently confuses his transfer to home confinement with being on supervised release. However, home confinement under the CARES Act is part of a defendant's term of imprisonment, not supervised release. See 18 U.S.C. § 3624(c)(2) (referring to an inmate serving the final stretch of his "term of imprisonment" in home confinement as a "prisoner"); United States v. Ko, 739 F.3d 558, 561 (10th Cir. 2014) ("[A] person is in the BOP's 'custody' while serving the remainder of a sentence in home confinement. While at home, the confinee is serving a 'term of imprisonment.'"). Transferring a prisoner to home confinement is simply "a change in the location and conditions of confinement." United States v. Read-Forbes, 843 F. App'x 131, 133 (10th Cir. 2021); cf. Touizer v. U.S. Att'y Gen., No. 21-10761, 2021 WL 3829618, at \*2 (11th Cir. Aug. 27, 2021) (characterizing BOP's revocation of home confinement as bearing on the location of a prisoner's confinement).

Because Defendant is serving a term of imprisonment, not a term of supervised release, 18 U.S.C. § 3583(e)(1) gives the Court no authority to modify the conditions of his confinement. Therefore, Defendant's "Motion to Modify Supervised Release" (Doc. 1148) is **DENIED**.

**DONE AND ORDERED** at Jacksonville, Florida this 2nd day of March, 2022.



*Timothy J. Corrigan*

TIMOTHY J. CORRIGAN  
United States District Judge

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Copies:

Counsel of record

Pro se defendant